



Federal Communications Commission
Washington, D.C. 20554

March 15, 2010

DA 10-429

Nadja S. Sodos-Wallace
Senior Regulatory Counsel and Assistant Secretary
Clearwire Corporation
1250 Eye Street, NW, Suite 901
Washington, DC 20005

RE: WT Docket No. 06-136
Requests for Extension of Time

NSAC, LLC
Transition of the 2500-2690 MHz Band
Transition Areas: BTA Number 441: Temple-Killeen, TX
BTA Number 459: Waco, TX

Dear Ms. Sodos-Wallace:

On February 18, 2010, NSAC, LLC, a wholly-owned subsidiary of Clearwire Corporation (together "Clearwire"), filed requests for extension of time to complete the transition for the Basic Trading Areas (BTA) noted above.¹ For the reasons discussed below, we grant the Extension Requests and extend the deadline for completing the transition in those BTAs to September 15, 2010.

Nextel Spectrum Acquisition Corp. filed Initiation Plans for the Temple-Killeen, Texas and Waco, Texas BTAs on February 12, 2007.² Subsequently, Clearwire acquired control of NSAC, LLC, the successor-in-interest to Nextel Spectrum Acquisition Corp, from Sprint Nextel Corporation.³ According to the Commission's Rules, Clearwire was required to complete the transitions by mid-November, 2008.⁴ The Broadband Division of the Wireless Telecommunications Bureau has previously granted Clearwire extensions to complete the transition in these BTAs until March 15, 2010.⁵

¹ Letters from Nadja S. Sodos-Wallace, Senior Regulatory Counsel and Assistant Secretary, Clearwire Corporation, to Office of the Secretary, Federal Communications Commission, WT Docket No. 06-136 (filed Feb. 18, 2010) (Extension Requests).

² Letters from Robert H. McNamara, Director, Spectrum Management, Government Affairs, Sprint Nextel Corporation, to Marlene H. Dortch, Federal Communications Commission, WT Docket No. 06-136 (dated Feb. 12, 2007) (2007 Letters). *See also* Initiation Plans Filed in WT Docket No. 06-136, *Public Notice*, 22 FCC Rcd 3836 (WTB 2007) at 4.

³ 2007 Letters at 1. *See* Sprint Nextel Corporation and Clearwire Corporation, WT Docket No. 08-94, *Memorandum Opinion and Order*, 23 FCC Rcd 17570 (WTB 2008).

⁴ *See* 47 C.F.R. §§ 27.1232(a) and (b)(1)(vi).

⁵ *See* Letter from John J. Schauble, Deputy Chief, Broadband Division, Wireless Telecommunications Bureau to Nadja Sodos-Wallace, Regulatory Counsel, Assistant Secretary, Clearwire Corporation, 24 FCC Rcd 11850 (WTB BD 2009); Letter from John J. Schauble, Deputy Chief, Broadband Division, Wireless Telecommunications Bureau to Nadia S. Sodos-Wallace, Regulatory Counsel, Assistant Secretary, Clearwire Corporation, 24 FCC Rcd 407, 413 (WTB BD 2009).

Clearwire states that it had originally requested an extension because Central Texas Communications, Inc. (Central Texas) had requested a waiver to opt out of the transition.⁶ On April 17, 2009, the Bureau granted Central Texas' opt out waiver in part.⁷ Clearwire states that it and Central Texas have implemented a short-term solution that will allow both parties to operate.⁸ Clearwire represents that "it is in the process of completing engineering studies that will permit it to work out a long-term solution with [Central Texas]."⁹

We find that Clearwire has shown good cause for an additional extension. An additional extension will allow Clearwire and Central Texas to work cooperatively to allow Clearwire to transition the Temple-Killeen and Waco BTAs while allowing Central Texas to continue operating pursuant to its opt-out waiver. Furthermore, it appears that no party would be prejudiced by a grant of this extension, particularly since licensees can continue operating pursuant to the old band plan until the transition is completed. We note that copies of the requests were served on the affected licensees, and no oppositions were filed. Thus, we grant Clearwire an extension of time to transition the Temple-Killeen, Texas and Waco, Texas BTAs until September 15, 2010.

Accordingly, IT IS ORDERED, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Sections 1.46 and 27.1232(b)(1)(vi) of the Commission's Rules, 47 C.F.R. §§ 1.46, 27.1232(b)(1)(vi) that the Requests for Extension of Time filed by NSAC, LLC on February 18, 2010 for the Temple-Killeen, Texas, and Waco, Texas ARE GRANTED, and the time for completing the transition in those BTAs IS EXTENDED TO September 15, 2010.

This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

Sincerely yours,

John J. Schauble
Deputy Chief, Broadband Division
Wireless Telecommunications Bureau

⁶ See Extension Requests at 1.

⁷ See Central Texas Communications, Inc., *Memorandum Opinion and Order*, 24 FCC Rcd 4715 (WTB 2009).

⁸ See Extension Requests at 1.

⁹ *Id.*